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SUBJECT: NEPALI MAOIST SENTENCED TO THREE YEARS BY
CHENNAI COURT

REF: 05 CHENNAI 0496 AND PREVIOUS

1. SUMMARY: (SBU) C.P. Gajurel, a Nepali Maoist leader who has been held in a Chennai jail since his arrest in 2003 on charges of presenting a forged passport at Chennai airport, was sentenced to three years imprisonment by a Chennai court on June 13. The sentencing follows continued demands for his release. He is simultaneously detained under the provisions of India's National Security Act (NSA) but the detention period under NSA ends in September. END SUMMARY.

GAGUREL SENTENCED TO THREE YEARS

2. (SBU) Chandra Prakash Gajurel, a Nepali Maoist leader who was arrested at the Chennai airport in August 2003 for presenting a forged British passport, was sentenced to three years rigorous imprisonment for the offense by the local district court on June 13, 2006. He has already spent 33 months in Chennai's central jail and his attorney requested his immediate release after the sentencing. The court agreed to consider the request for release but did not make an immediate ruling. Gajurel's case attracted international attention from human rights activists (Reftel) who had sought his release and further demanded that he not be extradited to Nepal.

IS ALSO HELD UNDER INDIA'S NATIONAL SECURITY ACT

3. (SBU) Gajurel, who is believed to have been a member of the Communist Party of Nepal (Maoist) Politburo, is also being detained under the National Security Act (NSA) of India, but the period of Gajurel's detention under that act ends in September 2006. As recently as March of this year, the Madras High Court upheld his detention under the NSA. In its decision at that time the High Court said, "We are of the view that the satisfaction arrived at by the detaining authority that the detainee would come out on bail and indulge in activities prejudicial to the interest of the nation cannot be faulted."

APPEALS FOR GAGUREL'S RELEASE

4. (SBU) Changes in Nepal's government produced calls

for the release of Gagurel and other Nepali Maoists in recent weeks. News reports said that Nepal Prime Minister Girija Prasad Koirala had appealed to the Government of India to release Gagurel. Sitaram Yechuri of the Communist Party of India (Marxist) visited Nepal last month and said his party would press the Government of India for the release of Nepal Maoists in India, including Gagurel. The Communist Party of Nepal (Maoist) has also demanded the release of party members including 140 of whom they say are in Indian jails.

STILL WANTED BY INTERPOL?

¶5. (U) Meanwhile, Interpol's web site (http://www.interpol.int/public/Data/Wanted/Notices/Data/2003/56/2003_48356.asp) still shows Gagurel as being wanted for armed robbery, attempted murder and terrorism. News reports, however, suggest that Nepal Prime Minister Koirala, having lifted the terrorist tag on Maoists, has also called off international alerts for the capture of their top leaders.

HOPPER